

REMARKS

Applicants respectfully request further examination and consideration in view of the claims above and the arguments set forth fully below. Within the Office Action, Claims 1-17 and 23-31 have been rejected. By the above amendments, Claims 1, 13, 27 and 28 have been amended. Claims 1 and 13 have been amended to adhere to the protocol of antecedent basis. Claims 27 and 28 have been amended to maintain consistency of the terms used in the claims. No new matter has been added by these amendments to the claims. Accordingly, Claims 1-17 and 23-31 are currently pending.

Rejections Under 35 U.S.C. § 103

Claims 1-15, 17 and 23-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2003/0064757 to Yamadera et al. (hereinafter “Yamadera”) in view of U.S. Patent No. 7,188,320 to Landers (hereinafter “Landers”) and U.S. Publication No. 2001/0003097 to Jeoung (hereinafter “Jeoung”). Applicants respectfully traverse these rejections.

For a §103 obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combine references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. [MPEP 2143]

Independent Claim 1 recites a menu-driven electronic device comprising: a display configured to selectively display at least one of a plurality of menus, including a main menu and a sub-menu; and a two-dimensional navigation key configured as a single-button including four sets of contact points, wherein the two-dimensional navigation key is configured to select and perform an action corresponding to one of a plurality of main menu items of the main menu and to select and perform an action corresponding to a sub-menu item of the sub-menu associated with a selected main menu item using the four sets of contact points, further wherein the **two-dimensional navigation key is configured to allow viewing of sub-menu items of a sub-menu associated with another main menu item directly from the sub-menu**

associated with the selected main menu item by a single access of the two-dimensional navigation key.

It is recognized within the Office Action that the combination of Yamadera with Landers “does not expressly disclose ‘wherein the two-dimensional navigation key is configured to allow viewing of sub-menu items associated of the submenu associated with another main menu directly from the sub-menu associated with the selected main menu item by a single access of the two-dimensional navigation key.’” Jeoung is cited for this reason.

Jeoung teaches a method of defining hot keys used to immediately initiate desired functions in a communication terminal during the idle state of the communication terminal. Figure 2 describes the process of defining the hot keys. Using the process taught by Jeoung, the user is able to assign/program a hot key to one or more sub-menu items (i.e., functions). In particular, the list of keys used for hot keys is shown only when a sub-menu item is selected. The hot keys are quick keys (similar to those used for speed dialing) accessible only when the communication terminal is in the idle state. For example, the user is able to access the calendar function by pressing the UP key. Likewise, the user is able to access a menu of multiple functions by pressing the DOWN key. [Jeoung, Abstract, ¶s 0008, 0026]

Defining Hot Key. When defining a hot key, the user in Jeoung is able to view sub-menu items (functions shown in FIG. 3B) of a main menu item (ORGANIZER). [Jeoung, ¶s 0021-0025] However, Jeoung does not teach that the user is able to, by a single access of a navigation key, view sub-menu items of another main menu item, such as PHONE-SETTINGS, directly from the sub-menu of ORGANIZER (i.e., FIG. 3B).

Activating Hot Key. Within the Response to Arguments section of the Office Action, it is stated that “the important aspect related to what action takes place when the UP key is assigned to a function, a pressing of the up key executes the assigned function. In that stated case, *there is no rest state* or need for a focus point *since the execution of the function depends solely on the pressing of the UP key*” [emphasis added]. Applicants respectfully disagree. Jeoung illustrates:

[I]f the user presses the UP key *during the idle state*, the mobile phone immediately executes the calendar function as shown in FIG. 4A . However, assuming that the DOWN key is assigned to multiple functions including the scheduler numbered “1”, to-do-list numbered “5”, and calculator numbered “2” of FIG. 3 B, if the user presses the DOWN key *during the idle state*, the mobile

phone displays all the menu items linked thereto as shown in FIG. 4 B, so that the user may select one of them. [Jeoung, ¶ 0026, emphasis added]

Jeoung specifically teaches that it is during the idle state that a hot key is activated. Nowhere in Jeoung does Jeoung teach that a hot key can be activated in the non-idle state. It is thus understood by one skilled in the art that a hot key will function as originally intended in the non-idle state. Accordingly, Applicants respectfully submit that execution of a function in Jeoung depends on both the phone being in the idle state and pressing a hot key. Put differently, the user in Jeoung is not able to toggle between hot keys because after the first hot key is activated, the phone is no longer in idle state.

Within the Response to Arguments section of the Office Action, it is also stated that “it is clear that the user can *switch from different menu items* in the case where the pressing of the UP key is defined for a desired sub-menu associated with a first main menu, and the pressing of the UP_LONG key is assigned to a different sub-menu item associated with a different main menu” [emphasis added]. Applicants respectfully disagree with this statement. Nowhere within Jeoung does Jeoung teach that the user is able to toggle between hot keys to view sub-menu items. As discussed above, the user is only able to activate a hot key during the idle state. In the above ¶ 0026 illustration, if the user in Jeoung initially presses the UP key to execute the calendar function, the user must first exit the calendar function to be back in the idle state in order to view the personalized menu items linked to the DOWN key when the DOWN key is pressed. Without exiting to an idle state, when the user presses the DOWN key, the DOWN key will not function as a hot key. Instead, the DOWN key will perhaps simply function as a positional key for moving the focus point down.

Within the Response to Arguments section of the Office Action, it is stated that the Applicant’s arguments regarding “the idle and non-idle state of the communication device disclosed by the cited reference (i.e., Jeoung) is irrelevant.” Applicants respectfully disagree. Applicants respectfully submit that the argument is indeed relevant in demonstrating that Jeoung does not teach being able to access one sub-menu from another sub-menu with a single access.

Applicants respectfully submit that when a user is defining a hot key or activating a hot key, Jeoung does not teach *viewing a sub-menu directly from another sub-menu by a single access* of the two-dimensional navigation key.

Accordingly, neither Yamadera, Landers, Jeoung nor their combination teach that the two-dimensional navigation key is configured to allow viewing of the sub-menu items of the sub-menu associated with another main menu item directly from the sub-menu associated with the

selected main menu by a single access of the two-dimensional navigation key. Applicants respectfully submit that to establish a prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. [MPEP 2143.03]

Unlike Yamadera, Landers, Jeoung and their combination, the display of the present invention is configured to selectively display one of a plurality of menus, including a main menu and a sub-menu. The first orientation of the two-dimensional navigation key is configured to select one of a plurality of main menu items. The plurality of sub-menu items associated with a selected main menu item is displayed on the display. The two-dimensional navigation key is configured to allow the user to view the plurality of sub-menu items associated with the selected main menu item and, with a single access, to view a plurality of sub-menu items associated with another main menu item using the first orientation. As discussed above, neither Yamadera, Landers, Jeoung nor their combination teach that the two-dimensional navigation key is configured to allow viewing of sub-menu items associated of the submenu associated with another main menu directly from the sub-menu associated with the selected main menu item by a single access of the two-dimensional navigation key.

Since the cited prior art neither teaches nor renders obvious all of the elements of Claim 1, Applicants respectfully submit that Claim 1 is patentable over the prior art. Applicants respectfully submit that the same arguments made above with respect to the patentability of independent Claim 1 are applicable to the patentability of independent Claims 23 and 27 as well. For at least these reasons, independent Claims 1, 23 and 27 are each an allowable base claim.

Claims 2-15 and 17 are dependent upon independent Claim 1. Claims 24-26 are dependent upon independent Claim 23. Claims 28-31 are dependent upon independent Claim 27. As discussed above, independent Claims 1, 13 and 27 are each an allowable base claim. Accordingly, Claims 2-15, 17, 24-26 and 28-31 are allowable as being dependent upon an allowable base claim, and are now in condition for allowance.

Within the Office Action, Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamadera, Landers and Jeoung, further in view of U.S. Patent No. 6,463,304 to Smethers (hereinafter "Smethers"). Applicants respectfully traverse these rejections.

Claim 16 is dependent on independent Claim 1. As discussed above, independent Claim 1 is an allowable base claim. Accordingly, Claim 16 is allowable as being dependent upon an allowable base claim, and is now in condition for allowance.

Conclusion

For the reasons given above, Applicants respectfully submit that the claims are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
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